

MINUTES
SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING
JANUARY 9, 2003

Board Members Present:

Richard White, Chairman, Judy Lever, Vice-Chair, Dianne Nielson, David Cunningham, John Newman, Joe Melling, Craig Anderson, Cullen Battle, Bill Doucette, Scott Widmer, Ken Alkema,

Staff Members Present:

Dennis R. Downs, Executive Secretary; Brad T. Johnson; UST Executive Secretary; Marilyn Ratcliffe, Candace Bleazard, Arlene Lovato; Cheryl Prawl; Scott Anderson; Rusty Lundberg, Tom Ball, Rick Page, Patrick Sheehan, David Wheeler, Arlene Lovato.

Others Present:

Clint Warby, Dave Johnson, Boyd Stringham, Tom Kurkijy, Mark Williams, Richard Rathbun, Kris Snow, David Woodworth, Paul Royall, Cindy King, Benjamin Horsley, Roger Rasmussen, Brian Barnard, Tim Fleming, Patrick Sheehan, Jerry R. Miller, Gary Holbrook.

- I. The meeting was called to order at 1:00 P.M.
- II. It was motioned by Bill Doucette and seconded by Dave Cunningham, and unanimously carried that the minutes for December 12, 2002 be approved.
- III. Kent Gray retirement

Dianne Nielson announced Kent Gray's retirement. She gave Mr. Gray credit for cleaning up over one thousand underground storage tank sites that have been remediated or are in the process of remediation, numerous cases of superfund issues, and environmental and emergency response work. He will be missed. At Mr. Gray's retirement party, Richard White, Board Chairman, presented Kent with a plaque recognizing his contributions to the Board.

As a result of Mr.Gray's retirement, recruitment for a new Division Director and Executive Secretary for the Division of Environmental Response and Remediation will take place. With the legislative session beginning on January 20, 2003, Ms. Nielson informed the Board that she would like to wait to do the recruiting until after the legislative session, which will end March 5, 2003.

The Board will appoint the Executive Secretary for the Board, and Ms. Nielson will appoint the Division Director. In the past, these two positions have been the same

individual. She asked the Board to assist with the recruitment as resumes are reviewed following the legislative session.

Ms. Nielson also informed the Board that she had asked Brad Johnson to serve as the Acting Director for the Division of Environmental Response and Remediation. Brad has a Bachelors and a Masters in Geology from BYU. He has worked for the Bureau of Solid and Hazardous Waste, and then the Division of Environmental Response and Remediation since October 1983, and is well qualified to serve in the responsibilities as Acting Division Director, and also Executive Secretary to the Board. She asked for the Board's approval for this action.

****It was moved by Cullen Battle and seconded by Craig Anderson, and unanimously carried that Brad Johnson be appointed as the Executive Secretary to the Solid and Hazardous Waste Control Board for the Underground Storage Tank Program.**

IV. Underground Storage Tank Update – Dale Marx

Underground Storage Tank (UST) General Statistics:

PROGRAM	November	December	Difference from November
Number of current tanks with a Certificate of Compliance	3,998	4,014	16
Number of Tanks with a Certificate of Compliance on the PST Fund	3,566	3,582	16
Total Number of Tanks Regulated	4,188	4,183	(5)
*Total Number of LUST sites closed to date	3,504	3,510	6
Total PST sites with claims or expected claims	460	459	(1)
Open + Closed Grand Total	\$86,416,532.43	\$86,313,837.89	(\$102,694.54)
PST Fund Balance	(\$67,388,033)	(\$67,702,221)	(\$314,188)
PST Assets Total	\$14,865,847.45	\$14,462,021.37	(403,826.08)
Loan Fund – Total Loans Made to Date	67	67	0
Total Amount Loaned to Date	\$1,822,642.60	\$1,822,642.60	0

A handout entitled “1986-2002 Utah Leaking Underground Storage Tanks” was provided showing in detail the number of releases and site closures. (Basically, this graph shows the trend of sites closing faster than new releases being reported.)

The Office of the State Auditor has audited the PST Fund. A copy of the Auditors Report has been received. (A copy was distributed to the Board.) The State Auditor does concur with the Actuarial Report, stating that unless action is taken, the PST Fund will not have sufficient cash to make needed payments for cleanup costs after the next 3 to 4 years. The report recommends that the Department work with the Legislature to increase revenues generated from the PST Fund to ensure the PST Fund’s assets are adequate to meet its fiduciary liabilities. Senator Bill Wright will be proposing legislation (Senate Bill 85) which will increase the environmental assurance fee from ¼¢ per gallon to ½¢ per gallon. This bill also provides for a reduction of the fee when the cash balance in the PST Fund

exceeds \$20 million dollars in any year. (This meaning that if the PST Fund Balance receives \$20 million dollars in “cash balance,” the surcharge would be decreased back to the ¼¢.) The current “cash balance” is approximately \$14 million dollars. It is not anticipated that it will ever reach \$20 million dollars again. This bill is likely to pass.

V. Presentation on Supplemental Environmental Projects - Scott Anderson

A Supplemental Environmental Project is defined as an environmentally beneficial project in which a respondent agrees to undertake in settlement of an enforcement action, but which the respondent is not otherwise legally required to perform.

Dianne Nielson added that a SEP is a project for which there is a very clear benefit to the public.

A copy of the overhead presentation was distributed to Board members and is available upon request.

VI. Planning/Used Oil Issues - Cheryl Prawl

A. Proposed Stipulation and Consent Agreement between the Board and Tri-State Recycling Services, Inc. (Information item only)

Tri-State Recycling Services, Inc. was issued a Notice of Violation as a result of inspections completed between May 1, 2001 and August 13, 2001.

Four violations were noted:

- 1) Improper storage of used oil beyond permitted time frames;
- 2) Inadequate halogen testing when collecting used oil from generators;
- 3) Improper marketing of used oil prior to certification as on-specification; and
- 4) Improper tracking of used oil deliveries to its facility in Downey, Idaho.

To resolve these violations, an SCO was negotiated, and Tri-State will pay a cash penalty of \$4,840 and perform a Supplemental Environmental Project (SEP) equivalent to \$24,000 in monetary value.

A 30-day public comment period on the proposed SCO commenced on January 6, 2003 and will Conclude February 4, 2003.

For the SEP they will do a free farmer used oil pick up equaling \$24,000. The Division has been working with the Utah Farm Bureau to come up with a list of farmers and ranchers in Utah to develop a mass mailing and coordinate those efforts. They will be focusing on those who have large quantities of used oil.

B. Proposed Stipulation and Consent Agreement between the Board and Thermo Fluids, Inc. (Information item only)

Thermo Fluids, Inc. was issued a Notice of Violation as a result of an inspection on May 7, 2000. Thermo Fluids, Inc. was storing used oil in five unpermitted tanks at their facility in Woods Cross.

To resolve the NOV, a proposed Stipulation and Consent Order was negotiated and a penalty of \$4,800 was agreed upon. They chose not to do a Supplemental Environmental Project.

VII. Tooele Army Depot (TEAD) treatability variance request (information item only) - Don Verbica/Rick Page

TEAD has requested a variance to their treatability studies. According to R315-2-4(f), samples undergoing treatability studies at testing facilities are not subject to the hazardous waste management rules provided certain requirements are met. One of these requirements is a quantity limitation of 551 pounds of material treated in a single day. The Tooele Army Depot is proposing to conduct a total of six one-hour test runs. Three test runs would be completed in each of two days. The maximum amount of waste that would be treated in a single day would be 4020 pounds, or approximately seven times the quantity limitations specified in the rules.

The public comment period to receive public input on the variance request is currently underway and will end on January 17, 2003. A public hearing to receive comment on this variance request will be held on Tuesday, January 14, 2003, at 7:00 p.m. in the Tooele County Courthouse.

Dianne Nielson pointed out that historically one of the concerns in the open burn/open detonation program is the amount of material being destroyed and the impacts that are created, i.e., shaking ground, and a lot of concerns of citizens living close to the facility. She asked if this variance would have the potential of impinging on those citizens. Rick Page explained that these tests are performed in a test incinerator. Also, the amounts they will be burning would be the same or less than they are currently permitted for in their operational incinerator. He felt it would not create problems with citizens living close by.

VIII. Chemical Demilitarization Issues

A. TOCDF Update - Tom Ball

After completion of the 2002 inspection report for Deseret Chemical Depot, CAMDS and TOCDF, Division Staff members initiated a review and based on findings of that report, a Notice of Violation was issued on December 16, 2002 to those three facilities. At a future Board meeting more information will be given to the Board, and a Consent Order will be initiated.

The violations include training violations, record keeping violations, and exceeding the storage time periods.

Richard White asked Mr. Ball when he would anticipate coming back to the Board on this issue. To meet the EPA time frames, this settlement needs to be out for public comment by the end of June 2003.

B. Safety Update by EG&G - Tom Kurkijy

In the November 2002 Board meeting Mr. Kurkijy briefed the Board on the Safety Implementation Plan and how EG&G is addressing many of the issues associated with this plan. EG&G implemented a four phase approach to improve safety:

- Phase I PM work orders
- Phase II Routine corrective maintenance work orders
- Phase III Troubleshoot and repair work orders.
- Phase IV More complex corrective maintenance work orders inside the agent boundary.

A copy of the overhead presentation was given to those present and is available upon request.

IX. Other

The Utah Legislature will go into session on January 20, 2003. The next Board meeting is scheduled for February 14, 2003, which is a little more than halfway through the session. The Division will bring any issues to the Board that might impact the Solid and Hazardous Waste Program.

So far, there are two proposed pieces of legislation concerning hazardous waste:

- There is a legislative committee who has been looking at the portion of the State Statute that deals with districts and authority of districts. The Hazardous Waste Facility Siting Act was placed into this portion that has to do with local government and districts when, in fact, it is a State issue. There is a piece of legislation that proposes to move that part of the statute over into Title 19 with the rest of the Environmental Quality Code.
- Representative Ralph Becker has proposed legislation concerning the disposal of electronic components, i.e., computers, computer parts, and cell phones. He is contacting people nationally and compiling information as to how other states deal with these types of waste. This information will be placed on the DEQ Website in order to educate the public.

X. The next SHW Control Board meeting will be held on February 13, 2003.

XI. Adjourned at 3:00 p.m.

